Remarks

This preliminary amendment is submitted in an attempt to define the invention over the combination of references applied by the Examiner.

The Examiner's last rejection was based on Japanese 57-29718 in view of Japanese 4-7499. The gist of the rejection is that Japanese '718 discloses every feature of the claimed invention except the tab such that a head of the fastener is between the tab and the liner but that Japanese '499 supplies the difference.

Applicant controverts this rejection as it is applied to the claims of this application. Japanese '499 is aimed at the problem of connecting adjacent sheets of canal liner together. The only way the Examiner's rejection makes sense to applicant is that the Examiner is assuming that plastic sheets of a width less than the width of the canal are laid in the canal and then connected together so the sheets are wide enough to span the width of the canal. This is not what applicant thinks Japanese '499 shows. Applicant thinks that Japanese '499 shows the attachment of the ends of sheets that are wide enough to span the width of the canal together so the liner becomes long enough to extend a substantial distance along the length of the canal. In other words, applicant submits that Japanese '499 results in a series of field made joints extending across the width of the canal so the fasteners and tabs

of Japanese '499 are across the width of the canal rather than along its length.

A major reason for applicant's belief is that making lengthwise joints in the field is not very smart. It is much easier and much cheaper to make the lengthwise joints in a shop or yard. In addition, shop made joints are invariably better quality joints because conditions can be controlled in a shop whereas they cannot in the field.

In the event the Examiner continues a rejection based on Japanese 4-7499 based on the premise, stated or unstated, that the joints provided by Japanese '499 run lengthwise along the canal, it is requested that the Examiner point out, with particularity, the basis for this premise.

In any event, independent claims 1, 17, 20, 26 and 28 are believed to define over the combination of references proposed by the Examiner. Claim 1 recites that the sections are connected end to end by field made joints and the sections are free of field made joints extending lengthwise along the canal. Claims 17 and 26 recite that the liner is continuous in all directions before a fastener is installed. Claim 20 recites a one-piece liner laid in a canal and fasteners applied to tabs on the canal side of the liner. Claim 28 recites at least one of the tabs being spaced from the sides of the liner before the installation of a fastener. In

the event the Examiner continues a rejection of independent claims 1, 17, 20, 26 and 28, it is respectfully requested that the Examiner point out with particularity where the features recited in this paragraph are found in the references as combined.

Attached is a set of marked up claims and a marked up paragraph of the specification bridging pages 9 and 10.

It is accordingly submitted that this application is in condition for allowance and early steps toward that end are earnestly solicited.

Respectfully submitted,

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Marked Up Claims

1. (Twice amended) An open top gravity flow liquid transport canal having a length providing a direction of flow and edges providing a width and having therein a [an impermeable] plastic liner [providing] comprising a series of sections secured together at field made joints extending transverse to the length of the canal, each section comprising a continuous impermeable unpunctured membrane extending beyond the edges of the canal and across the canal width and extending from an upstream end toward a downstream end along a length of the canal for minimizing leakage from the canal and at least one tab between the liner and the canal and a series of fasteners extending through the tab having a head between the tab and the liner, [the liner being continuous at locations spaced from and 360° around at least some of the fasteners immediately before driving the fasteners though the tab and the liner being unpunctured immediately after driving the fasteners] each section being free of field made joints extending along the length of the canal.

6. (Twice amended) The canal of claim 1 wherein the canal has [a length,] a bottom and first and second side walls and a first tab extends along the length of the canal adjacent the bottom, a second tab extends along the length of the canal adjacent the first side

wall and a third tab extends along the length of the canal adjacent a second side wall and wherein the fasteners extend through each tab at spaced intervals along the length of the canal.

17. (Twice amended) An open top gravity flow liquid transport canal having a wall; an impermeable, imperforate plastic liner having a first side juxtaposed to the wall and a second side exposed to liquid in the canal; and a series of fasteners on the first side of the liner connecting the liner to the canal wall, at least a substantial number of the fasteners being in an area where the liner is continuous in all directions before a fastener is installed.

20. (Twice amended) The method of lining an open top gravity flow liquid transport canal having a length providing a direction of flow, comprising

providing a one-piece plastic liner having ends spaced along the length of the canal and sides providing a width wider than the canal and at least one tab on a first side of the liner intermediate the sides and ends of the liner; then

placing the liner in the canal so the first and second ends are spaced apart along the length of the canal and then placing the tab adjacent the canal;

then anchoring the liner to the canal including driving at least one fastener through the tab; and then

placing the sides of the liner over a top of the sides of the canal.

26. (Amended) An open top gravity flow liquid transport canal having therein an impermeable plastic liner and at least three spaced apart tabs between the liner and the canal and a series of fasteners extending through the tabs having a head between the tab and the liner for anchoring the liner to the canal, at least part of one of the tabs being in an area where the liner is continuous <u>in all directions</u> before a fastener is inserted through the tab.

Marked Up Specification

Paragraph Bridging pages 9 and 10

When the next adjacent liner section is to be attached to an existing liner, the liner sections are cleaned, overlapped and welded together in a conventional manner. Because the material of the liner 26 is preferably thermoplastic, this is accomplished by use of a conventional hot air gun providing heat and a roller providing pressure, similar to the seams made by the manufacturer. The process of laying liner sections end to end is repeated until the desired length of the canal 10 is lined with the liner 26. These end-to-end joints made in the field are called field made joints.